



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 29, 2008
AGENDA DATE: March 12, 2008
PROJECT ADDRESS: 1316 Bath Street (MST 2001-00822)
 Glenborough Inn
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Zoning & Enforcement Supervisor
 Betsy Teeter, Planning Technician II

Betsy Teeter
Box

I. PROJECT DESCRIPTION

The proposal involves the partial demolition of a 468 square foot two-car garage conversion to a 374 square foot hotel room for the Glenborough Inn. A 70 square foot addition is proposed to join the converted hotel room to the main building, which includes four existing hotel rooms. Proposed above the converted hotel room (Unit #5) is a 306 square foot hotel room (Unit #4). The former Unit #4 would be converted into a breakfast pavilion for the hotel guests. A 64 square foot gazebo is also proposed. Three uncovered parking spaces would be provided on site and two uncovered parking spaces would continue to be provided at the main site of Glenborough Inn (now known as the White Jasmine Inn), located at 1327 Bath Street. The main site includes five additional bed and breakfast units. As part of project approval, an additional condition will be required to record a parking agreement against the White Jasmine Inn site (1327 Bath) for two (2) mandatory off site parking spaces for continued operation of the inn at 1316 Bath.

II. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

1. A Modification to Unit # 5 to be located in the rear and interior setbacks (SBMC §28.21.060 and SBMC §28.21.085);
2. A Modification to allow a seventy (70) square foot addition to join the converted garage to the main building (which includes four existing hotel rooms) to be located in the required 12 foot interior setback. (SBMC §28.21.060 and SBMC §28.21.085);

3. A Modification to allow Unit #4 to be located in the rear and interior yard setbacks. (SBMC §28.21.060 and SBMC §28.21.085); and
4. A Modification to allow a gazebo to be sited in the remaining front yard. (SBMC §28.21.060 and SBMC §28.21.085).

Date Application Accepted: January 7, 2008 Date Action Required: April 7, 2008

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Larry Thompson	Owner:	Marlies Marburg
Parcel Number:	039-121-020	Lot Area:	7,589 sq. ft.
General Plan:	Residential – 12 units/acre	Zoning:	R-4, Hotel/Motel
Existing Use:	Bed & Breakfast	Topography:	Slight slope (3-5%)

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,297 sq. ft.	2,065 sq. ft.
Garage	468 sq.ft.	0 sq. ft.
Accessory Space	0 sq. ft.	64 sq. ft.

IV. LOT AREA COVERAGE

Building	1,914 square feet	25%
Paving/Driveway	1,858 square feet	24.70%
Landscaping	3,817 square feet	50.30%

V. DISCUSSION

On January 6, 2005, four Modifications were approved by the Planning Commission to permit Unit #5 to be located within the rear and interior setbacks, for the 70 square foot addition to be located within the interior setback, for Unit #4 to be located in the rear setback and for the converted storage room to encroach into the required rear yard setback. Failure to pull the

necessary building permits within the two year time limit resulted in expiration of the approval. This is a request to reinstate that approval with the exception of the modification for the converted storage room (which is no longer part of the project) and the addition of a modification for the Gazebo in the remaining front yard.

The ABR reviewed the project on several occasions, supporting the proposed modifications because the proposed use is equal to or less intense than the surrounding residential uses. The modifications are mitigated by the significant upgrade to the existing structure. The Board appreciated the second story significant setbacks introduced to the sides requiring modification. The only recommendation ABR had was to upgrade the portion of the garden closest to the street, including the possibility of adding a new street tree. On January 22, 2008, the applicant received final ABR approval with the condition that the applicant add additional planting at the side of the trash enclosure and at the brick walk way.

The proposed project would meet the requirements of the R-4 Zone, with the exception of the modifications to allow Unit #5 to be located within the rear and interior yard setbacks, for the 70 square foot addition to be located within the interior yard setback, for Unit #4 to be located in the rear yard setback and for the gazebo to be sited within the remaining front yard. Discussion and supportability of these modifications is included in Section VI.

VI. RECOMMENDED FINDINGS

In order to approve the proposed modifications, they must be found to be consistent with the purposes and intent of the Zoning Ordinance and necessary to (i) secure an appropriate improvement on a lot, (ii) prevent unreasonable hardship, or (iii) promote uniformity of improvement. Please note that the required setbacks for this hotel use are twice the requirement for residential uses in this zone.

A. FINDINGS FOR THE MODIFICATION TO ALLOW UNIT #5 TO BE LOCATED WITHIN THE REAR AND INTERIOR YARD SETBACKS (SBMC §28.21.060 AND SBMC §28.21.085)

The existing two car garage is located within the interior and rear setbacks. If a garage is converted to another use, such as a hotel unit in this case, modifications are required to continue to allow the structure to be located in the interior and rear yard setbacks. When staff reviews modifications for supportability, staff looks to see how the conversion of inhabitable space to habitable space would impact the neighboring properties. The converted hotel room would abut a private alley to the north and an existing garage to the east. Staff does not view the proposed hotel room location as a significant impact to the adjacent uses and supports that the conversion is securing an appropriate improvement to the lot. Also, keeping all of the proposed upgrades to the rear (north) of the property would not degrade the architectural integrity of the historic house.

B. FINDINGS FOR THE MODIFICATION TO ALLOW THE 70 SQUARE FOOT ADDITION TO BE LOCATED WITHIN THE INTERIOR YARD SETBACK (SBMC §28.21.060 AND SBMC §28.21.085)

A 70 square foot addition is proposed to join the converted garage to the main building, which includes four existing hotel rooms. This 70 square foot addition and the former location of Unit #4 would be the new breakfast pavilion for the hotel guests. Because the proposed addition is a non-residential use, it must adhere to double the required setback, which is 12 feet. Staff supports the modification because the addition would meet at least the 6 foot interior yard setback in the R-4 zone and would secure an appropriate improvement on the lot. The Glenborough Inn patrons would not have to walk across the street to the White Jasmine Inn site for breakfast because on-site breakfast facilities would be provided. This would also give the owner flexibility to have 1316 Bath Street be a separate bed and breakfast and not be dependent on the White Jasmine Inn site other than for parking.

C. FINDINGS FOR THE MODIFICATION TO ALLOW FOR UNIT #4 TO BE LOCATED IN THE REAR YARD SETBACK (SBMC §28.21.060 AND SBMC §28.21.085)

Proposed above the converted hotel room (Unit #5), is a 306 square foot hotel room (Unit #4). Because the proposed addition is a non-residential use, it must adhere to double the required setback, which is 20 feet. Staff supports the modification because the addition would meet the required 10 foot interior yard setback for a second story in the R-4 zone and the rear yard encroachment would not impact the neighboring properties since it abuts the private alley. Also, keeping the second story addition to the rear (north) of the property would not degrade the architectural integrity of the historic house.

D. FINDINGS FOR THE MODIFICATION TO ALLOW THE PROPOSED OPEN GAZEBO OF 64 SQ. FT. TO BE LOCATED WITHIN THE REMAINING FRONT YARD (SBMC §28.21.060, SBMC §28.21.085 AND SBMC §28.87.160)

The location of the Gazebo provides additional patio space for guests and does not violate the purpose and intent of the ordinance which is to limit floor area/building within the front yard. A Modification is required because Section 28.87.160 mandates that, with the exception of garages, no accessory structure be located in a front yard. The Gazebo will be consistent with the Italianate architectural style described in the Historic Structure Report prepared for the subject site. The addition of the Gazebo provides a site improvement that does not adversely impact the adjacent neighbors and is compatible with the surrounding neighborhood. Therefore staff supports a modification to allow the siting of the structure within the remaining front yard.

VII. RECOMMENDATION/FINDING

STAFF RECOMMENDS THAT THE STAFF HEARING OFFICER APPROVE THE PROJECT, MAKING THE FINDINGS THAT:

With the approval of the requested modifications, the proposed project conforms to the City's Zoning and Building Ordinances. The modifications are necessary to secure an appropriate

improvement to the property and would not create any impacts to the adjacent residential uses. Therefore, staff recommends that the Staff Hearing Officer approve the project, making the findings outlined above, and subject to the conditions of approval in Exhibit D as well as requiring an additional condition to record a parking agreement against the 1327 Bath property for the two (2) mandatory off site parking spaces for operation of the inn at 1316 Bath.

Exhibits:

- A. Site Plan
- B. Applicant's letter, dated January 21, 2008
- C. ABR Minutes
- D. Planning Commission Resolution No. 001-05 with Conditions of Approval

Contact/Case Planner: Betsy Teeter, Planning Technician II
(bteeter@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805)564-5470

Lawrence Thompson, Architects, Inc.
Architecture and Site Planning

Betty Hennon,
Director of Planning and
Modifications Officer
City of Santa Barbara
630 Garden Street
Santa Barbara, CA. 93101

January 21, 2008
Re: Glenborough Inn, 1316 Bath Street

PROPOSED PLANNING MODIFICATIONS

Dear Betty,

The modifications approval of January of 2005 recently expired, as the Owner had misunderstood the need to apply for an extension. This project is hereby being resubmitted as a new application for the following modifications, referenced by the attached Floor and Site Plans :

PROPOSED MODIFICATIONS :

1. To allow Unit #5, as proposed, to be located in the rear and interior yard setbacks, and located within an existing structure to be remodeled, currently a Garage. The building would remain approximately three feet from the rear property line at the edge of a fifteen foot wide private existing common alley.
2. To allow a seventy (70) square foot addition to be located within the interior yard setback on the south side of the property. This addition would be 8 feet from that property line, rather than twelve feet (twice the underlying residential setback of 6'-0").
3. To allow a new 306 sq. ft. Unit #4 to be located in the rear yard setback, and above the existing Garage. This proposed unit would be set back the residential rear yard setback of ten (10) feet from the private alley and rear property line.
4. To allow a proposed open Gazebo of 64 sq. ft. to be located within the front yard setback for commercial use, to be twenty-six feet clear from the front property line to the proposed Gazebo supporting structure.

EXISTING CONDITIONS:

The site presently has four Bed and Breakfast units and a three car parking area abutting the private alley to the east. The east-most unit is very substandard in size, being only about eight feet in east-west dimension on the north portion, and is, therefore, wholly inadequate. The old Garage building exists within the rear and south side yard setbacks, but its door faces into the existing parking, negating access to the garage or the use of the existing parking. The applicants and owners propose to remodel the existing Garage area to replace the substandard unit shown as Unit #5, noted above, and remodel the substandard unit into a small breakfast room so that customers will not have to cross the street to take breakfast at the main building at 1327 Bath Street.

Above the existing Garage, a small 306 sf. Unit 4 is proposed above the existing Garage building. This addition is set back at the south side yard limit and at the residential rear yard setback, yet mostly placed over the existing Garage.

PROJECT DESCRIPTION SUMMARY:

An existing four suite and garage annex to 1327 Bath, the main building but not a part of this project for construction, lies at the project site of 1316 Bath. This bed and breakfast property is accessed by foot and street parking from Bath Street, and by auto to off street parking via a private alley to the east (rear) of the property. The project proposes to make the facility more able to serve visitors to our City and provide accommodations accessible to the handicapped :

1. Add a 64 sf. gazebo in the front yard, inside the front setback. This feature is designed in the Italianate style with detailing keyed to the existing building and will be a very attractive feature for passersby in the front yard. This is a covered, but open, structure, which along with # 3 below, are the only ground level added lot coverage for the project.
2. Remove the northerly 100 sq. ft. of the Garage and convert the remaining building to Suite 5 as an accessible suite for handicapped guests.
3. Add 70 sf. between the old Garage and old Suite 4, and convert old Suite #4 to become a breakfast Room with public restroom. This eliminates a narrow space between the main building and the "Garage" building.
4. Add Suite #5 above the old Garage, a portion of which will shelter a portion of a car space below. This and the Garage remodel, work under #3, all will be given similar wood siding and roofs reminiscent of the existing building.
5. Rework the parking to include a valid Accessible Parking space.
6. Provide required trash and recycling compartments, bicycle parking spaces, and new landscaping and site work, mostly surrounding the Gazebo.
7. The existing building is proposed to be preserved, excepting the remodel of a newer rear portion for the Breakfast Room entry, which has some lean-to additions not a part of the original construction. The front steps and retaining wall also will be preserved.

The Gazebo is 8 x 8 feet, and is located well to the north of the Inn, and between the Inn and the front setback line, and is clear of the north sideyard setback. The Gazebo is designed to repeat the Italianate "Craftsman" theme seen mid-length on the north elevation of the Inn building, using arched ornate brackets. The gazebo will have only occasional use, adds valuable character to the Street, and is important spatially to define the inner courtyard and mirror the character of the Inn building.

Parking is similar to that existing, as reviewed by Public Works, with two conventional spaces and one accessible space, with an accessible walkway from the (north) stall closest to the Inn.

PROJECT ADVANTAGES:

The project presented here is very minimal in the view of the Owners, who have worked very hard to reconcile their needs with the City's standard on building coverage (25%). The advantages of the property are as follows:

1. The grounds and appearance of the property will be greatly enhanced from the Street and alley, with an attractive Gazebo to highlight the streetscape and new landscaping

surrounding this feature. New landscaping is proposed at the rear areas where none previously existed.

2. The plain and weathered "Garage" building in the rear is proposed to be in the same design theme as the older existing main building, and given special architectural detailing and new finish work.
3. Guests will no longer have to cross the street to take breakfast at the Inn's main building.
4. Parking will now fully comply with City Parking Standards and include an accessible parking space. Added parking will be identified at 1327 Bath for parking at 1316 Bath, as has been established through stipulations of a prior permit.
5. At considerable additional cost, a new accessible rental suite will be constructed to accommodate the handicapped.
6. A pleasant outdoor patio with new landscaped surround will be provided between the Gazebo and the rear parking of the property. The project has a significant portion of its property dedicated to usable open space, with only 25% building coverage and an FAR of 0.28.
7. Lean-to additions to the original building will be removed, with the adjacent portion of the existing building remodeled and refurbished to be in keeping with the building's original character.
8. The existing building will be repainted, with upgrades to portions of the exterior. The original appearance and form of the existing building will be now preserved and enhanced.
9. The existing "Garage" and adjoining additions will be upgraded to comply with the California Building Code and structural requirements for stability during earthquakes.

EFFECT OF THE MODIFICATIONS UPON THE SURROUNDING NEIGHBORHOOD :

The proposed modifications :

1. Allow part of the area of the existing "Garage", located within the rear and south side yard setbacks, to be remodeled for habitable space.
2. Do not increase the FAR of the property appreciably, even to less than .30. The proposed project is of low intensity, with an abundance of quality open space and landscaping.
3. Include no entries or exits to the Inn facilities proposed or existing within these setback areas, other than access from the parking area at the rear to the interior of the lot as currently exists. No new windows are proposed within the residential setback on the side yard which faces the only close-in neighboring building, a garage.
4. Have no further encroachment into the existing south and east setbacks than currently exists from the placement of the existing "Garage" structure.
5. A portion of the existing "Garage" is being demolished and not remodeled or replaced, lessening the impact of any building mass upon the private alley. On balance, the project lessens, rather than adds, to the building footprint within the rear setback, even with the addition of space to connect the "Garage" to the existing main building.

SUMMARY:

The project as proposed adds no disadvantages to the neighborhood, only advantages. The portion of the southerly neighbor's building exposed to the remodeling and additions of the proposed project is a plain walled Garage. No other building adjoins the property which will have

any change of exposure or view caused by the project. The building to the north is managed by the Glenborough Inn, the buildings across Bath will have no change of view, and the buildings to the east are screened by a hedge from view of the project. I commend to you the contribution which this work will bring to the immediate neighborhood and urge the City to accept the proposed modifications at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lawrence Thompson".

Lawrence Thompson, CEO

B. Commercial Development Statistics

EXISTING

Bldg. No.	Building(s)	Att. or Det.	Use	Zoning Net	Building & Safety Floor Area (Gross)	Alteration Remodel B&S Gross
1	exist.		BED & BREAKFAST	1155	1,203	
1	exist.					
1	exist.					
2	exist.					
3	exist.					
TOTAL Building Area:						
			Garage	422	440	
			Carport			
TOTAL EXISTING:				1877	1,643	

PROPOSED FOR DEMOLITION OR CHANGE OF USE

Bldg. No.	Building(s)	Att. or Det.	Use	Net	B&S Gross	
1	exist.		CHANGING			square feet
1	exist.					square feet
1	exist.					square feet
2	exist.					square feet
3	exist.					square feet
TOTAL Building Area:						
			Garage	89	94	square feet
			Carport			square feet
TOTAL DEMOLITION OR CHANGE OF EXISTING USE:				89	94	square feet

PROPOSED NEW CONSTRUCTION

Bldg. No.	Building(s)	Att. or Det.	Use	Net	B&S Gross	
1	(addition or new structure)		BED & BREAKFAST USE GAZEBO	495	516	square feet
1				64	64	square feet
1						square feet
2						square feet
3						square feet
TOTAL Building Area:				559	580	square feet
			Garage			square feet
			Carport			square feet
TOTAL NEW:				559	580	square feet
COMMERCIAL TOTAL (EXISTING - DEMOLITION + NEW) =				2,047	2,129	square feet

PREVIOUSLY APPROVED MEASURE E REQUESTS

MC 28.87.300
Previously approved Measure E requests: square feet

Note: Any square footage for enclosed attic, cellar or basement areas < 5' in floor to ceiling height is not included.

rev. 11/10/05

C. General Project Statistics

FLOOR TO AREA RATIO (FAR)

Zone:

J. The Full Board meeting adjourned at 10:10 p.m.**CONSENT CALENDAR (1:00)****REVIEW AFTER FINAL****A. 1316 BATH ST****R-4 Zone**

Assessor's Parcel Number: 039-121-020
Application Number: MST2001-00822
Owner: Marlies Marburg
Architect: Larry Thompson

(The proposal involves the conversion and partial demolition of a 468 square foot two-car garage to a 374 square foot hotel room for the Glenborough Inn. A 70 square foot addition is proposed to join the converted garage to the main building, which includes four existing hotel rooms. Proposed above the converted hotel room (Unit #5) is a 282 square foot hotel room (Unit #4). The former Unit #4 would be converted into a breakfast pavilion for the hotel guests. A 64 square foot gazebo is also proposed. Three uncovered parking spaces would be provided on site and two uncovered parking spaces would continue to be provided at the main site of Glenborough Inn, located at 1327 Bath Street. The main site includes five additional bed and breakfast units. One of the existing parking spaces in a three-car garage at 1327 Bath Street would be converted to a storage room resulting in a total of seven on-site parking spaces. The discretionary applications required for this project are modifications to allow Unit #5 to be located within the rear and interior yard setbacks, for the 70 square foot addition to be located within the interior yard setback, for Unit #4 to be located in the rear yard setback and for the converted storage room to encroach into the required rear yard setback.)

(Project requires compliance with Planning Commission Resolution No. 001-05.)

(Review After Final to revise trash compartment area.)

Continued one week for additional landscape details.

REVIEW AFTER FINAL**B. 1346 MANITOU RD****E-1 Zone**

Assessor's Parcel Number: 049-210-010
Application Number: MST2006-00247
Owner: Robert K. and Madalene I. Towery
Applicant: Robert Towery

(As-built retaining walls/fencing to abate zoning violations and reinstallation of garage door. All buildings to be refinished smooth sand finish stucco, replacing the windows, replacing doors, installation of new windows and changing the colors.)

(Review After Final for addition of a 3 foot guardrail.)

Final Approval with the condition that the applicant is to provide additional wrought iron fencing details.



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 001-05
1316 AND 1327 BATH STREET
MODIFICATIONS
JANUARY 6, 2005

APPLICATION OF LARRY THOMPSON, ARCHITECT AND AGENT FOR MARLIES MARBURG, PROPERTY OWNER; 1316 AND 1327 BATH STREET; APN: 039-121-020 AND 039-112-009; R-4- HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE; GENERAL PLAN DESIGNATION: RESIDENTIAL - 12 UNITS PER ACRE (MST2001-00822)

The proposal involves the conversion and partial demolition of a 468 square foot two-car garage to a 374 square foot hotel room for the Glenborough Inn. A 70 square foot addition is proposed to join the converted garage to the main building, which includes four existing hotel rooms. Proposed above the converted hotel room (Unit #5) is a 282 square foot hotel room (Unit #4). The former Unit #4 would be converted to a breakfast pavilion for the hotel guests. A 64 square foot gazebo is also proposed. Three uncovered parking spaces would be provided on site and two uncovered parking spaces would continue to be provided at the main site of Glenborough Inn located at 1327 Bath Street. The main site includes five additional bed and breakfast units. One of the existing parking spaces in a three car garage at 1327 Bath Street would be converted to a storage room resulting in a total of seven on site parking spaces.

The discretionary applications required for this project are modifications to allow Unit #5 to be located within the rear and interior yard setbacks, for the 70 square foot addition to be located within the interior yard setback, for Unit #4 to be located in the rear yard setback and for the converted storage room to encroach into the required rear yard setback (SBMC §28.21.050 and SBMC §28.21.085).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no people appeared to speak in favor or in opposition of the application, and the following exhibits were presented for the record:

1. Staff Report with Attachments, January 3, 2005
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

- I. Approved the subject application making the following findings and determinations:
 - A. Findings for the Modification to allow Unit #5 to be located within the rear and interior yard setbacks (SBMC §28.21.050 and SBMC §28.21.085)

The existing two car garage is located within the interior and rear setbacks. If a garage is converted to another use, such as a hotel unit in this case, modifications are required to continue to allow the structure to be located in the interior and rear yard setbacks. The converted hotel room would abut a private alley to the north and an existing garage to the east. The proposed hotel room location would not result in a significant impact to the adjacent uses and the proposed conversion would result in an appropriate improvement to the lot. Also, keeping all of the proposed upgrades to the rear (north) of the property would not degrade the architectural integrity of the historic house.

B. Findings for the Modification to allow the 70 square foot addition to be located within the interior yard setback (SBMC §28.21.050 and SBMC §28.21.085)

A 70 square foot addition is proposed to join the converted garage to the main building, which includes four existing hotel rooms. This 70 square foot addition and the former location of Unit #4 would be the new breakfast pavilion for the hotel guests. Because the proposed addition is a non-residential use, it must adhere to double the required setback, which is 12 feet. Planning Commission supports the modification because the addition would meet at least the 6 foot interior yard setback in the R-4 zone and would secure an appropriate improvement on a lot. The Glenborough Inn patrons would not have to walk across the street to the main Glenborough Inn site for breakfast because on-site breakfast facilities would be provided. This would also give the owner flexibility to have 1316 Bath Street be a separate bed and breakfast and not dependent on the main Glenborough Inn site other than for parking.

C. Findings for the Modification to allow for Unit #4 to be located in the rear yard setback (SBMC §28.21.050 and SBMC §28.21.085)

Proposed above the converted hotel room (Unit #5), is a 306 square foot hotel room (Unit #4). Because the proposed addition is a non-residential use, it must adhere to double the required setback, which is 20 feet. Planning Commission supports the modification because the addition would meet at least the 10 foot interior yard setback for a second story in the R-4 zone and the rear yard encroachment would not impact the neighboring properties since it abuts the private alley. Also, keeping the second story addition to the rear (north) of the property would not degrade the architectural integrity of the historic house.

D. Findings for the Modification to allow the converted storage room to encroach into the required rear yard setback (SBMC §28.21.050 and SBMC §28.21.085)

The existing three car garage is located within the interior and rear setbacks. If a garage is converted to another use, such as storage space in this case, modifications are necessary to continue to allow the structure to be located in the interior and rear yard setbacks. The portion of the garage that would be converted is located only in the rear yard setback. Planning Commission finds that the conversion of the garage to storage does not result in a significant impact to the adjacent uses and supports that the conversion is securing an appropriate improvement to the lot.

II. Said approval is subject to the following conditions:

- A. **Recorded Conditions.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be recorded by the Owner in a written instrument which shall be reviewed as to form and content by the City Attorney:
1. **Uninterrupted Flow of Water.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner which will preclude any hazard of life, health or damage to the Real Property or any adjoining property.
 2. **Development Approved.** The development of the Real Property approved by the Planning Commission on January 6, 2005 is limited to the addition of a hotel room and breakfast pavilion to the existing four unit bed and breakfast hotel, and the improvements shown on the Site Plan signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 3. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 4. **Recyclable Material Use and Collection.** Hotel operators shall encourage guests to recycle by using recyclable materials, and providing sufficient and appropriate receptacles, such as recycling or green waste containers, in each room. Recyclable material collection and pick-up areas shall be provided on-site for the hotel operations. The hotel operators shall use materials that are recyclable to the extent feasible.
 5. **Bus Passes.** The Owner shall contact Metropolitan Transit District (MTD) to purchase shuttle bus passes or their equivalent for their hotel employees. These passes shall be provided free of charge to hotel employees to encourage shuttle bus usage. A copy of the contract with MTD shall be submitted to the Transportation Planning Manager.
- B. **Design Review.** The following is subject to the review and approval of the Architectural Board of Review (ABR):
1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Lighting shall be directed toward the ground.
 2. **Trash Enclosure Provision.** A trash enclosure with an area for recycling containers shall be provided on the Real Property and screened from view from

surrounding properties and the street. Such structure shall be located at least five (5) feet from any building unless protected with fire sprinklers.

3. **Landscape Plan.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR). The landscape plan shall incorporate additional landscaping to screen the proposed gazebo.

C. **Prior to Permit Issuance.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property; the Owner shall submit the following or evidence of completion of the following:

1. **Historic Designation.** Prior to issuance of a building permit, please submit a Structure of Merit application to the Historic Landmarks Commission.
2. **Water Extraction Rights Assignment.** The Owner shall execute an Agreement Assigning Water Extraction Rights. Said assignment and any related agreements are subject to the review and approval of the City Attorney. Said agreement shall be recorded in the Office of the County Recorder.
3. **Best Management Practices.** The Owner shall apply storm water quality control guidelines to the project per the Public Works Department Construction Project Best Management Practices.
4. **Streetlight Petition Notice.** The Owner shall provide a written Streetlight Petition Notice (Notice) to all property owners, businesses, and residents in the 1300 block fronting the subject property. The Owner shall coordinate with the Public Works Department Facilities Manager to create the Notice. The recipients of the Notice shall vote on whether they do or do not support a mid-block residential streetlight on their block. A simple majority vote is required to add a mid-block streetlight. The Notice shall contain a description of the issues related to streetlight placement, and shall include a name and phone number of a contact person who can answer questions and provide related information. The Notice is the standard process used by the Public Works Department to facilitate the addition of mid-block City standard streetlight.

If it is determined that a residential streetlight is to be added, the Owner shall install City standard residential streetlight(s), as determined by the Public Works Department at the expense of the Owner.

If a residential mid-block streetlight is not installed as a result of the initial petition, then either a) five years following Planning Commission approval or, b) prior to Certificate of Occupancy, whichever occurs first, the Owner shall again provide a written Notice to all property owners, businesses, and residents on those same streets fronting the subject property. The citizens will be given another opportunity to request a residential mid-block streetlight. If a residential mid-block streetlight is determined to be added, the Owner shall install a City standard residential streetlight as determined by the Public Works Department at the expense of the Owner.

D. **Construction Plans.** The following requirements shall be incorporated into, or submitted with the construction plans submitted to the Division of Building & Safety with applications for building permits. All of these construction requirements must be completed prior to the issuance of a Certificate of Occupancy:

1. **Public Right of Way Improvements.** The Owner shall submit building plans for construction of improvements along the subject property road frontage on Bath Street. As determined by the Public Works Department, the improvements shall include replacement of approximately 150 square feet of City standard sidewalk and curbs, curb drain outlets, one "Type B" City residential streetlight (dependent upon Petition outcome) to City standard, flow calculations for the existing water meter, preserve and/or reset contractor stamp and/or survey monuments, drought-tolerant parkway landscaping and provide adequate positive drainage from site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer.
2. **Hydrology Calculations.** Submit to the Land Development Engineer hydrology calculations justifying that the onsite proposed and existing drainage conveyance system adequately convey a 25-year storm event.
3. **Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
4. **Contact Signage.** Immediately after building permit issuance, signage shall be posted along the front property line that list the contractor(s) name, contractor(s) phone number, work hours, and City contact phone numbers to assist the neighbors, Building Inspectors and Police Officers in the enforcement of the conditions of approval and inform subcontractors of site rules and restrictions.
5. **Construction Hours.** Construction is prohibited (including preparation for construction work) on Saturdays, Sundays, between the hours of 5:00 p.m. and 8:00 a.m., and holidays observed by the City as legal holidays as shown below:

New Year's Day	January 1 st
Martin Luther King Jr.'s Birthday	3 rd Monday in January
Washington's Birthday	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving
Christmas Day	December 25 th

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday respectively shall be observed as a legal holiday.

6. **Construction Storage.** On-site or off-site storage shall be provided for construction materials and equipment. Storage of construction materials within the public right-of-way is prohibited.
7. **Construction Materials Recycling.** The Owner shall, to the maximum extent feasible, recycle all construction/demolition waste and materials in order to minimize construction-generated waste conveyed to the landfill. Containers shall be provided on site for that purpose.
8. **Surface Drainage.** Any construction on this parcel shall not direct the flow of surface water onto any adjacent parcel and must either control the surface water on site or collect it and distribute it to the public way in accordance with an approved plan and permit from the Public Works Department.
9. **Contractor Stamps.** Any existing contractor stamps in the sidewalks, driveway aprons, and curbs shall be preserved and protected in place during all construction to the satisfaction of the Public Works Department.
10. **Archaeological Monitoring Contract.** Contract with an archaeologist from the most current City Qualified Archaeologists List to re-inspect the area impacted by the project during initial site preparation (after removal of existing pavement and prior to removal of foundations), and report the survey findings to, and receive authorization from, the City's Environmental Analyst, before site improvements commence. The archaeologist's monitoring contract shall include the following additional provisions, recommended in the Phase I Archaeological Survey prepared for this site by Macfarlane Archaeological Consultants (October 21, 2002):

At such time as the natural soil surface is exposed, the archaeologist shall conduct a formal survey of the project area. The archaeologist shall remain on-site to monitor initial site preparation grading and/or trenching in order to examine subsurface soils for indication of an archaeological site, artifacts, or other remains. The archaeologist need not be present during recompaction of excavated soils. Reports of the monitoring during initial grading activities and recommendations shall be reported to the City of Santa Barbara in the form of a formal report. The contract(s) shall be subject to the review and approval of the Environmental Analyst.

If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site

Monitors List, preparation and implementation of Phase II/III Archaeological Resources Report in accordance with the City Master Environmental Assessment Guidelines for Assessment of Archaeological Resources and Historic Structures and Sites, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find.

11. **Planning Commission Conditions and Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No.
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- E. **Completion Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department.

2. **Complete Required Public Improvements.** Public improvements as shown on the building plans.
3. **Cross Connection Requirement.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.

NOTICE OF MODIFICATION TIME LIMITS:

The Planning Commission's action approving the Modification shall terminate one (1) year from the date of the approval, per SBMC 28.87.360, unless:

1. A building permit for the use authorized by the approval is sought within twelve months of the approval. An extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy.
2. The approval has not been discontinued, abandoned or unused for a period of six months following the earlier of (a) an Issuance of a Certificate of Occupancy for the use, or (b) one (1) year from granting the approval.

This motion was passed and adopted on the 6th day of January, 2005 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.


Liz N. Ruiz, Planning Commission Secretary

4/7/05
Date

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.